

REMARKS

This is a complete response to the outstanding Final Office Action mailed October 28, 2008. Claims 1, 7, and 14 have been amended herein. Support for amended claims may be found in, for example, original paragraph [0016]. No new matter has been added herein. Claims 1-9 and 11-21 remain pending in the present application.

I. Response to Claim Rejections Based on Obviousness

The Applicant respectfully submits that U.S. Patent 3,339,201 to Fischer et al. (hereinafter Fischer), U.S. patent 6,304,583 to Ohmer et al. (hereinafter Ohmer), and other cited references fail to disclose, teach, or suggest all elements of the rejected claims for at least the reasons that follow. Specifically, Fischer in view of Bull fails to disclose powering the infrared decoy by a laser source.

Fischer discloses two separate decoys for deceiving different types of detectors used to indentify aircraft. A first decoy is associated with jamming and detection of Radio Frequency (RF) signals. A second decoy is associated with jamming and detection

of infrared signals. Fischer discloses powering the infrared decoy by way of a nozzle (item 4) discharging ignited fuel supplied by tubing (item 2) from the aircraft. The ignited fuel decoy is designed to deceive infrared detectors on a missile and the like. Fischer discloses a decoy antenna (item 3) associated with an RF decoy designed to deceive RF detectors. The decoy antenna is powered by electricity generated onboard the aircraft and transmitted via conductive cable.

The Office's analysis acknowledges that Fischer does not disclose the use of a laser source as powering either the RF decoy or the infrared decoy. The Office cites to Ohmer to cure this defect. The analysis cites specifically to Ohmer's disclosing a laser for powering Ohmer's active defensive device. See column 14, lines 42-59 of Ohmer. It should be noted that Ohmer only suggest a solid state laser device to directly provide the infrared decoy. Ohmer does not disclose, teach, or suggest using fiber optic cables at various lengths to provide the IR decoy signature. Fischer's disclosure an infrared decoy powered by combustible fuel. Therefore one skilled in the art at the time of the invention would not have been motivated to apply Ohmer's teaching of solid state laser device to replace or be combined

with the infrared decoy powered by a combustible fuel. Applicant respectfully requests reconsideration and withdrawal of the Section 103 rejections of independent claims 1, 7, and 14.

Applicant also respectfully submits that since claims 2-9, 11-13, and 15-21 depend on independent claim 1, 7, and 14, respectively, claims 2-9, 11-13, and 15-21 contain all limitations of independent claims 1, 7, and 14, respectively. Since independent claim 1, 7, and 14 should be allowed, as argued herein, pending dependent claims 2-9, 11-13, and 15-21 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

III. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION


In light of the foregoing amendments and comments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-9 and 11-21 are in condition for allowance. Applicant has responded to all of the Examiner's rejections and requests. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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Respectfully submitted,

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